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3:08-CV-00497-LRH-VPC

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**STIPULATION TO LIFT STAY,
WITHDRAW ADVERSARY CASE
FROM BANKRUPTCY COURT AND
CONSOLIDATE ADVERSARY CASE
WITH THIS ACTION**

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AND ORDER THEREON

COME NOW General Services Administration (“GSA”), by and through its undersigned counsel, and Plaintiff Michael Lynn Gabriel (“Plaintiff”), and hereby stipulate and agree that *Gabriel v. General Services Administration et al*, 3:08-CV-00497-LRH-VPC is a more appropriate forum for adjudication of the issues raised in Plaintiff’s Bankruptcy Court adversary proceeding, *Gabriel v. General Services Administration*, Case No. 10-05085-GWZ. Accordingly, the parties stipulate and agree that this Court should lift the stay in this action, withdraw the adversary proceeding from the Bankruptcy Court and consolidate that proceeding with this action. *See* 28 U.S.C. § 157(d) (authorizing District Court to withdraw, in whole or in part, bankruptcy proceedings); Fed.R.Civ.P. 42(a) (allowing consolidation of actions involving common questions of law or fact). Withdrawal and consolidation are appropriate because this action and the

adversary proceeding involve common questions of fact. This action alleges that Plaintiff should have been awarded two lighthouses because he successfully bid for them while the adversary proceeding alleges that GSA's subsequent sale of the two lighthouses and a third lighthouse violated the automatic stay provision of the Bankruptcy Code.


The parties further stipulate and agree that Plaintiff may supplement the complaint in this action to assert any new claims he wishes to advance, subject to defenses to be asserted by General Services Administration. This Court will then adjudicate the consolidated cases. Lastly, the parties stipulate and agree to the following briefing schedule to address the issues raised in the consolidated cases:

- April 4, 2011 – Deadline for filing Supplemental Complaint;
- June 3, 2011 – Deadline for filing Answer to Supplemental Complaint;
- August 1, 2011 – Deadline for Plaintiff's Motion for Summary Judgment;
- October 3, 2011 – Deadline for Defendant's Opposition and Cross Motion for Summary Judgment (filed as one document);
- December 1, 2011 – Deadline for Plaintiff's Opposition to Cross Motion for Summary Judgment and Reply to Opposition to Motion for Summary Judgment (filed as one document); and
- February 1, 2011 – Deadline for Defendant's Reply to Plaintiff's Opposition to Cross Motion for Summary Judgment.

Dated: 3/3/11

MICHAEL LYNN GABRIEL

DANIEL G. BOGDEN
United States Attorney


MICHAEL LYNN GABRIEL
Plaintiff


HOLLY A. VANCE
Assistant United States Attorney

ORDER

IT IS SO ORDERED.

DATED this 4th day of March, 2011.

A handwritten signature in blue ink, appearing to read "L. Hicks", is written over a faint circular stamp.

LARRY R. HICKS
UNITED STATES DISTRICT JUDGE